

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)	
)	
Cameron et al.)	Examiner: Ade, O.
)	
Serial No.: 09/840,477)	Art Unit: 3687
)	
Filed: April 23, 2001)	Conf. No.: 5743
)	
For: METHOD AND SYSTEM FOR)	
A WIRELESS UNIVERSAL)	
MOBILE PRODUCT INTERFACE)	
_____)	

APPEAL BRIEF

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1. Real Party in Interest

The real party in interest is Accenture Global Services GmbH.

2. Related Appeals and Interferences

There are no related appeals or interferences known to the Appellants.

3. Status of Claims

Claims 1-6 and 10-68 are canceled. Claims 7-9 and 69-76 are pending. Claims 7-9 and 69-76 are rejected under 35 U.S.C. § 103(a).

4. Status of Amendments

An amendment has not been filed subsequent to the final rejection. All claim amendments have been entered.

5. Summary of Claimed Subject Matter

Please note that while the discussion below associates portions of the specification with the claim recitations, the discussion does not necessarily equate the claim recitations with those portions. Rather, the discussion below is intended to show where support exists in the specification for embodiments within the scope of the claim recitations.

According to independent Claim 7, with reference to Figure 3, a system includes a vendor device (301) having a display interface and electronically coupled to a computer (307) having a wireless transmission port. The system also includes a logic mechanism coupled to the computer and vendor device and configured to cause execution of a program to control a wireless mobile device's

(309) display functions to display the vendor device's display interface on the mobile device. Control of the wireless mobile device's display functions is via the wireless transmission port of the computer and a compatible wireless transmission port on the wireless mobile device, and occurs automatically in response to the wireless mobile device entering into transmission range of the computer's wireless transmission port. The vendor device's display interface includes a listing of products offered through the vendor device. Please refer to page 8 (lines 6-15), page 10 (lines 1-11), page 41 (lines 15-19), and page 43 (lines 8-11, 20-23, and 27-31) of the application.

According to independent Claim 69, with reference to Figure 3, a computer-readable medium stores computer-executable instructions to execute a program to control a wireless mobile device's (309) display functions to display a vendor device's (301) display interface on the mobile device. The control occurs automatically via a wireless transmission port of the vendor device and a compatible wireless transmission port on the wireless mobile device, in response to the wireless mobile device entering into transmission range of the vendor device's wireless transmission port. The vendor device's display interface includes a listing of products offered through the vendor device. Please refer to page 8 (lines 6-15), page 10 (lines 1-11), page 41 (lines 15-19), and page 43 (lines 8-11, 20-23, and 27-31) of the application.

According to independent Claim 72, a program is transmitted from a vendor device (301) having a display interface, to a wireless mobile device (309), in order to control the wireless mobile device's display functions to display the vendor device's display interface on the mobile device. A wireless transmission

port is used to transmit the program automatically in response to the wireless mobile device entering into transmission range of the wireless transmission port. The vendor device's display interface includes a listing of products offered through the vendor device. Please refer to page 8 (lines 6-15), page 10 (lines 1-11), page 41 (lines 15-19), and page 43 (lines 8-11, 20-23, and 27-31) of the application.

According to Claims 8 (dependent on Claim 7) and 70 (dependent on Claim 69), an additional logic mechanism causes the wireless mobile device to interact wirelessly with the vendor device and with a related payment accounting system (311 of Figure 3). Please refer to page 43 (lines 8-20).

According to Claims 9 (dependent on Claim 7), 71 (dependent on Claim 69), and 74 (dependent on Claim 72), interaction with a payment accounting system (311) will cause the vendor device to provide a product in response to a user's selection of the product from the listing displayed on the wireless mobile device. Please refer to page 43 (lines 27-31).

According to Claim 73 (dependent on Claim 72), interactions occur wirelessly with a related payment accounting system (311). Please refer to page 43 (lines 15-20).

According to Claims 75 (dependent on Claim 69) and 76 (dependent on Claim 72), the mobile device automatically displays a listing of physical products available for dispensation by the vendor device when the mobile device enters the transmission range. Please refer to page 43 (lines 20-23).

6. Grounds of Rejection to be Reviewed on Appeal

This appeal involves Claims 7-9 and 69-76. Claims 7-9 and 69-76 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shore (U.S. Patent Application Publication No. 2003/0149662) in view of Ali et al. (“Ali;” U.S. Patent No. 5,896,411), “Bluetooth Technology Set to Re-define the Personal Communications Market” (“Phillips Business”), and “ASAP to Enable E-commerce Companies to Go WAP!” (“Business Editors”).

7. Arguments

The following arguments are applicable to the 35 U.S.C. § 103(a) rejection of Claims 7-9 and 69-76.

A. A *prima facie* case of obviousness has not been made.

It is well-established that the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. Based on the following, Appellants respectfully assert that a *prima facie* case of obviousness has not been made.

In response to the Office Action mailed April 13, 2010, independent Claims 7, 69, and 72 were amended to recite new features. Specifically, the independent claims were amended to recite, respectively, a system, instruction, and method to “display the vendor device’s display interface on the mobile device, ... the vendor device’s display interface comprising a listing of products offered through the vendor device.”

There is no discussion of these features in the final rejection in view of the cited references. That is, the final rejection fails to address those features in the discussion of the claims versus the cited references, and fails to identify which part of the cited references discloses those features.

Also, in the Office Action response referred to above, Appellants presented arguments that there is no teaching in the references of the cited features. However, the final rejection offers no rebuttal with regard to those specific features. While the final rejection provides a general discussion of the cited references in view of other claim features, the final rejection fails to provide any rationale with regard to how that discussion is applicable to the specific features recited above.

For these reasons, Appellants contend that the final rejection does not provide factual support for a *prima facie* case of obviousness and, therefore, an element necessary for making such a case is missing. Accordingly, Appellants submit that a *prima facie* case of obviousness has not been made.

B. The cited references do not show or suggest all of the claimed features and do not teach that which they are relied upon as teaching.

B.1. Appellants respectfully submit that neither Shore nor Ali nor Phillips Business nor Business Editors, nor any combination thereof, shows or suggests “a logic mechanism coupled to the computer and vendor device and configured to cause execution of a program to control a wireless mobile device’s display functions to display the vendor device’s display”

interface on the mobile device, the control occurring via the wireless transmission port of the computer and a compatible wireless transmission port on the wireless mobile device automatically in response to the wireless mobile device entering into transmission range of the computer's wireless transmission port, the vendor device's display interface comprising a listing of products offered through the vendor device" as recited in independent Claim 7 (emphases added) and as similarly recited in independent Claims 69 and 72.

The primary reference (Shore) appears only to teach the use of a wireless device to make or effect a payment. In paragraph [0071], Shore describes using a personal digital assistant (PDA) to make a payment at a point of purchase (POP) terminal. However, neither that paragraph nor Shore in its entirety shows or suggests a system, method, or instruction to "display the vendor device's display interface on the mobile device, ... the vendor device's display interface comprising a listing of products offered through the vendor device" as recited in independent Claim 7 and as similarly recited in independent Claims 69 and 72.

Furthermore, starting at paragraph [0183], Shore describes an embodiment referred to as "Ticketdownload.com." In paragraph [0186] of Shore, with reference to block 401 of Figure 4, a merchant can display available tickets and prices. However, Shore does not appear to explicitly teach that the tickets and prices are displayed on a user's PDA. Shore only appears to teach that the PDA can be used to exchange data with a

POP device, but Shore does not appear to explicitly teach that the exchanged data is displayed on the PDA.

However, regardless of whether or not Shore teaches displaying tickets and prices on a PDA, Shore (alone or in combination with the other references) quite clearly does not teach or suggest displaying such information automatically in response to a device entering into transmission range of a POP device. As understood by the Appellants, there is no teaching within Shore that the “Ticketdownload.com” Web site is automatically accessed when Shore’s PDA is brought within range of Shore’s POP device, nor is there any teaching within Shore that products available from such a Web site are automatically displayed when the PDA is brought within range of the POP device.

Accordingly, Appellants respectfully submit that Shore, alone or in combination with the other references, does not show or suggest a system, method, or instruction “to cause execution of a program to control a wireless mobile device’s display functions to display the vendor device’s display interface on the mobile device, ... the vendor device’s display interface comprising a listing of products offered through the vendor device,” “the control occurring ... automatically in response to the wireless mobile device entering into transmission range of the computer’s wireless transmission port” as recited in independent Claim 7 and as similarly recited in independent Claims 69 and 72.

Appellants respectfully submit that Ali, Phillips Business, and Business Editors do not show or suggest a modification of Shore that would remedy the deficiencies of Shore.

Thus, Appellants respectfully submit that the combination of Shore, Ali, Phillips Business, and Business Editors does not teach all of the features recited in independent Claims 7, 69, and 72.

- B.2. Appellants respectfully submit that neither Shore nor Ali nor Phillips Business nor Business Editors, nor any combination thereof, shows or suggests “a program to control a wireless mobile device’s display functions to display the vendor device’s display interface on the mobile device” as recited in independent Claim 7 and as similarly recited in independent Claims 69 and 72.

Appellants respectfully agree with the statement on page 4 of the final rejection that Shore fails to disclose a program to take control of a wireless mobile device’s menuing, interaction, and display functions and also fails to disclose taking control of a wireless mobile device when the wireless mobile device enters a range of a product device. Phillips Business is relied upon as teaching those features. Specifically, according to the final rejection (page 5), Phillips Business allegedly discloses “an easier way for a variety of mobile computing, communications and other devices to communicate with one another to make wireless connections to the Internet, and to take control of the wireless mobile device’s menuing, interaction and display functions [see page 2 of the Phillips Business

Information Communications]” (emphasis added).

However, Appellants respectfully assert Phillips Business does not in fact disclose the text underlined above. Appellants respectfully request that the page and line number, for example, at which Phillips Business discloses “an easier way ... to take control of the wireless mobile device’s menuing, interaction and display functions” be provided. The final rejection provides only a general assertion that the text underlined above is disclosed by Phillips Business but does not provide any rationale in support of the Examiner’s conclusions.

Also, Appellants respectfully submit that Shore, Ali, and Business Editors do not show or suggest a modification of Phillips Business that would remedy the deficiencies of Phillips Business.

Thus, Appellants respectfully submit that the combination of Shore, Ali, Phillips Business, and Business Editors does not teach all of the features recited in independent Claims 7, 69, and 72.

C. Summary.

Appellants respectfully assert that a *prima facie* case of obviousness was not made in the final rejection.

Nevertheless, regardless of the shortcomings of the final rejection, Appellants find no teaching or suggestion in the cited references of all the claim features. To the extent that the cited references teach the use of a

wireless device to make or effect a payment, Appellants respectfully assert that those references do not teach or suggest “[displaying] the vendor device’s display interface on the mobile device, ... automatically ... the vendor device’s display interface comprising a listing of products offered through the vendor device” and/or “a program to control a wireless mobile device’s display functions to display the vendor device’s display interface on the mobile device” as recited in the independent claims.

For any or all of the reasons presented above, Appellants respectfully submit that independent Claims 7, 69, and 72 traverse the basis for rejection under 35 U.S.C. § 103(a) and are allowable.

Each of the Claims 8 and 9 includes all of the features of independent Claim 7 plus additional features. Each of the Claims 70, 71, and 75 includes all of the features of independent Claim 69 plus additional features. Each of the Claims 73, 74, and 76 includes all of the features of independent Claim 72 plus additional features.

Appellants respectfully submit that the cited references, alone or in combination, do not show or suggest the features of Claims 8, 9, 70, 71, and 73-76 in combination with the features of their respective base claim, and also that Claims 8, 9, 70, 71, and 73-76 are in condition for allowance at least because they depend from an allowable claim.

8. Conclusions

Appellants believe that Claims 7-9 and 69-76 traverse the bases for rejection under 35 U.S.C. § 103(a).

Appellants respectfully request that the 35 U.S.C. § 103(a) rejections of Claims 7-9 and 69-76 be reversed.

Respectfully submitted,
MURABITO HAO & BARNES LLP

Dated: February 16, 2011

/William A. Zarbis/

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Appendix I – Clean Copy of Claims on Appeal

1-6. (Canceled).

7. (Previously Presented) A system comprising:

a vendor device having a display interface and electronically coupled to a computer having a wireless transmission port; and

a logic mechanism coupled to the computer and vendor device and configured to cause execution of a program to control a wireless mobile device's display functions to display the vendor device's display interface on the mobile device, the control occurring via the wireless transmission port of the computer and a compatible wireless transmission port on the wireless mobile device automatically in response to the wireless mobile device entering into transmission range of the computer's wireless transmission port, the vendor device's display interface comprising a listing of products offered through the vendor device.

8. (Previously Presented) The system of claim 7 further comprising an additional logic mechanism for causing the wireless mobile device to interact wirelessly with the vendor device and with a related payment accounting system.

9. (Previously Presented) The system of claim 7 wherein interaction with a payment accounting system will cause the vendor device to provide a product in response to a user's selection of the product from the listing displayed on the wireless mobile device.

10-68. (Canceled).

69. (Previously Presented) A computer-readable medium storing computer-executable instructions to perform the following:

execute a program to control a wireless mobile device's display functions to display a vendor device's display interface on the mobile device, the control occurring via a wireless transmission port of the vendor device and a compatible wireless transmission port on the wireless mobile device automatically in response to the wireless mobile device entering into transmission range of the vendor device's wireless transmission port, the vendor device's display interface comprising a listing of products offered through the vendor device.

70. (Previously Presented) The computer-readable medium of claim 69, further storing computer-executable instructions to interact wirelessly with a related payment accounting system.

71. (Previously Presented) The computer-readable medium of claim 69, further storing computer-executable instructions to provide a product in response to a user's selection of the product from the listing displayed on the wireless mobile device and in response to a payment transaction involving the mobile device.

72. (Previously Presented) A method, comprising:
transmitting a program from a vendor device having a display interface to a wireless mobile device to control the wireless mobile device's display functions to display the vendor device's display interface on the mobile device; and
using a wireless transmission port to transmit said program automatically in response to the wireless mobile device entering into transmission range of the

wireless transmission port, the vendor device's display interface comprising a listing of products offered through the vendor device.

73. (Previously Presented) The method of claim 72, further comprising interacting wirelessly with a related payment accounting system.

74. (Previously Presented) The method of claim 72, further comprising providing a product in response to a user's selection of the product from the listing displayed on the wireless mobile device and in response to a payment transaction involving the mobile device.

75. (Previously Presented) The computer-readable medium of claim 69, further storing computer-executable instructions to cause the mobile device to automatically display a listing of physical products available for dispensation by the vendor device when the mobile device enters the transmission range.

76. (Previously Presented) The method of claim 72, wherein the program causes the mobile device to automatically display a listing of physical products available for dispensation by the vendor device when the mobile device enters the transmission range.

Appendix II – Evidence

There is no evidence entered and relied upon in this appeal.

Appendix III – Related Proceedings

There are no proceedings identified as related appeals and interferences.